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CANADA

EXAMINER

TERMANINI, SAMIR

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 3. NOTE: Further search and consideration is required of the newly added limitations (e.g. "removing said distorted region from said original image after said dropping of said object."). Entry of a new amendment in an application on appeal is not a matter of right. The entry of an amendment (which may not include a new affidavit, declaration, exhibit or other evidence) submitted in an application on appeal is governed by 37 CFR 41.33, not 37 CFR 1.116.

Also note: Amendments filed after the filing of a notice of appeal, but prior to the date of filing a brief, may be admitted only to:

- (A) cancel claims;
 - (B) comply with any requirement of form expressly set forth in a previous action;
 - (C) present rejected claims in better form for consideration on appeal; or
 - (D) amend the specification or claims upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.
- See 37 CFR 41.33(a).

(See M.P.E.P. Section 1206 I. AMENDMENTS).

Continuation of 11. NOTE: Because they are directed to the amended claims and required further search and consideration.

Briefly addressing those arguments which do not require further search and consideration:

Applicant argues:

"The Examiner's above quoted arguments with respect to Claim 1 do not refer to the wording of Claim 1 appearing in the Applicant's Amendment/Reply of July 16, 2007. Rather, the Examiner's arguments refer to the wording of Claim 1 appearing in the Applicant's Amendment/Reply of February 14, 2007. The Examiner has based his rejection on the wrong version of Claim 1. As such, the Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness against Claim 1 under 35 U.S.C. 103(a)."

In response, the examiner points out that the July 16, 2007 claim is set forth below, with markups:

1. (Currently Amended) A method for positioning a selected object in an original image for display on a display screen, comprising:

distorting said original image to produce a distorted region for said object, said object being positioned at an initial position within said original image, said distorted region including magnification of at least a portion of said object; receiving a signal for dragging said object with said distorted region from said initial position to a desired position for said object within said original image; and, receiving a signal for dropping said object at said desired position, whereby said distorted region with said magnification facilitates accurate positioning of said object at said desired position.

Applicant is advised that the new limitations added above, after having giving them patentable weight, do not change the scope of the claim. In both instances where the claim was amended it was ALREADY clear that the *object* was the subject being modified. Therefore, the amended claim was properly met by the rejection set forth in the July 16, 2007 Office Action.

Applicant argues:

First: With respect to the Examiner's comments in the "Response to Arguments" section of the Office Action concerning the Applicant's first four arguments above, the Applicant respectfully submits that the Examiner is incorrect. If a claim includes an element "A" and an element "B" and if the Examiner argues that prior art item "1" teaches element "A" and prior art item "2" teaches element "B", then the Examiner's obviousness argument may be traversed by showing that prior art item "1" does not teach element "A". This is what the Applicant did in the Applicant's Amendment/Reply of July 16, 2007.

In response, the Examiner notes Applicant's above statement, however in the 5/1/2007 Office Action, the rejection explains that prior art item 1 taught element "B". Therefore the examiners obviousness argument may NOT be

traversed by showing that prior art item "1" does not teach element "A" for the reason that prior art item 1 was only relied on for having taught element "B".